

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID W. E.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL NO. 17-cv-1040-JPG-CJP
	)	
COMMISSIONER of SOCIAL SECURITY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion for Remand to the Commissioner (Doc. 19). The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, "the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with agency regulations and rulings, the ALJ [will] re-evaluate the claimant's residual functional capacity with citation to the medical evidence, including the medical opinions that support each of the limitations assessed, and if warranted, obtain additional vocational evidence."

The parties also agree that, "This motion does not preclude a putative application for fees against the United States in accordance with the requirements of 28 U.S.C. § 2412, enacted as part of the Equal Access to Justice Act, and the Commissioner reserves the right to oppose any award under this statute."

Plaintiff applied for disability benefits in September 2014. (Tr. 15.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion to Remand (Doc. 19) is **GRANTED**. The final decision of the Commissioner of Social Security denying David W. E.'s application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: May 9, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**UNITED STATES DISTRICT JUDGE**